

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING
COURTHOUSE
50 WALNUT ST.
ROOM 5076
NEWARK, NJ 07101
973-297-4887

December 30, 2024

LETTER ORDER

**Re: *US Health Drug Store Inc. d/b/a French Pharmacy v. Pierre Fabre USA, Inc.*,
Civil Action No. 24-5848 (ES) (AME)**

Dear Counsel:

On March 8, 2024, US Health Drug Store Inc. d/b/a French Pharmacy (“Plaintiff”), initiated this action against defendant Pierre Fabre USA, Inc. (“Defendant”) in the Superior Court of New Jersey, Morris County, Law Division. (D.E. No. 1-1). Plaintiff asserts three claims, including breach of contract (Count I), fraudulent inducement (Count II), and promissory estoppel (Count III). (*Id.* ¶¶ 20–42). On May 3, 2024, Defendant removed the action to this Court. (D.E. No. 1). On May 16, 2024, Plaintiff moved to remand this action to state court for lack of subject matter jurisdiction. (D.E. No. 9 (“Motion” or “Motion to Remand”)).¹ On December 6, 2024, the Honorable André M. Espinosa, U.S.M.J., issued a report and recommendation, wherein Judge Espinosa recommended that Plaintiff’s Motion to Remand be granted. (D.E. No. 31 (“Report and Recommendation” or “R&R”)). Magistrate Judge Espinosa also recommended that Plaintiff’s request for fees and costs associated with its Motion to Remand be denied. To date, no party has filed any objections to Magistrate Judge Espinosa’s R&R.

“[W]here no objections are made in regard to a report or parts thereof, the district court will adopt the report and accept the recommendation if it is ‘satisf[ied] . . . that there is no clear error on the face of the record.’” *Sportscare of Am., P.C. v. Multiplan, Inc.*, No. 10-4414, 2011 WL 500195, at *1 (D.N.J. Feb. 10, 2011) (quoting Fed. R. Civ. P. 72 Advisory Committee’s Notes). Here, the Court independently reviewed the record and Magistrate Judge Espinosa’s R&R without oral argument, *see* Fed. R. Civ. P. 78(b) and L. Civ. R. 78.1(b), and finds no clear error on the face of the record. Thus, having reviewed the parties’ submissions and Magistrate Judge Espinosa’s unopposed R&R, and for the reasons stated therein,

IT IS on this 30th day of December 2024,

ORDERED that this Court **ADOPTS** Magistrate Judge Espinosa’s unopposed Report and Recommendation (D.E. No. 31) in full as the Opinion of this Court; and it is further

¹ Plaintiff styled its motion as a “cross-motion to remand” in response to Defendant’s motion to dismiss (D.E. No. 5). (*See* D.E. No. 9). The Court held Defendant’s motion to dismiss in abeyance pending resolution of Plaintiff’s motion to remand. (D.E. No. 30).

ORDERED that Plaintiff's Motion to Remand (D.E. No. 9) is **GRANTED**; and it is further

ORDERED that this matter shall be **REMANDED** to the Superior Court of New Jersey, Morris County, Law Division; and it is further

ORDERED that Plaintiff's request for an award of fees and costs associated with its Motion to Remand (D.E. No. 9) is **DENIED**; and it is further

ORDERED that the Clerk of Court shall **TERMINATE** docket entry numbers 9 and 31 and **CLOSE** this matter.

s/ Esther Salas
Esther Salas, U.S.D.J.